

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
RICARDO MARTINEZ	)	FOIA Control No. 2015-418
	)	
On Request for Inspection of Records	)	
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: June 19, 2015****Released: June 19, 2015**

By the Commission:

1. We have before us an application for review (AFR)<sup>1</sup> filed by Ricardo Martinez seeking review of the decision of the Office of Engineering and Technology (OET)<sup>2</sup> indicating that it had located no records in response to his Freedom of Information Act (FOIA) request.<sup>3</sup> We dismiss the AFR because it merely restates Mr. Martinez's FOIA request.<sup>4</sup> The AFR thus fails to present any cognizable issues for our review.<sup>5</sup>

2. ACCORDINGLY, IT IS ORDERED that the Application for Review filed by Ricardo Martinez in FOIA Control No. 2015-418 is DISMISSED. Mr. Martinez may seek judicial review of this action pursuant to 5 U.S.C. § 552(a)(4)(B).<sup>6</sup>

---

<sup>1</sup> See Email from Ricardo Martinez to FOIA-Appeal (filed April 10, 2015) (AFR).

<sup>2</sup> Letter from Julius P. Knapp, Chief, Office of Engineering & Technology, FCC to Ricardo Martinez (April 9, 2015) (Response).

<sup>3</sup> FOIA Request from Ricardo Martinez to FOIA Online (filed April 8, 2015) (Request) (seeking "generic information about the use of microwave motion sensing devices for espionage purposes. Information must be specific about cell phone telecommunications being currently used to commit espionage. Specifically, it must describe how, encoded within normal telecommunication signal packages, signal packages designed to remotely activate the above kind of radar devices then proximally activate these sophisticated radar devices. Information must indicate that the same espionage technology is potentially lethal. Edited documents are acceptable.").

<sup>4</sup> AFR ("Since my request of FOIA information implies the release of highly classified information about espionage through telecommunications, edited documents regarding the same topic will be acceptable to me.").

<sup>5</sup> See 47 C.F.R. § 1.115(b).

<sup>6</sup> We note that as part of the Open Government Act of 2007, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect Mr. Martinez's right to pursue litigation. Mr. Martinez may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: ogis@nara.gov  
Telephone: 301-837-1996

(continued....)

3. The officials responsible for this action are the following: Chairman Wheeler, and Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

---

(...continued from previous page)

Facsimile: 301-837-0348

Toll-free: 1-877-684-6448